

These minutes are a summary of the discussion. The audible recording is available at the following website: <http://bit.ly/T3S7CB>

Planning & Zoning Commission Meeting
Minutes of February 5, 2014
1st Floor North Conference Room - City Hall

Present: Vice-Chair Holly P. Shriner, Kristy Carter, Jim Edmonds, Karl Koon and Jane Gianvito Mathews

Absent: Chairman Jeremy Goldstein and Mr. Joe Minicozzi

Pre-Meeting - 4:30 p.m.

At the pre-meeting, the staff gave updates on the Chestnut Street project; and the timing for Council consideration of the Commission and staff recommendations for future comprehensive plan and corridor planning efforts. Legal staff then explained how staff had determined that the Cambria Hotel project was a Level II as there was likely to be an attorney protesting that decision at the meeting.

Regular Meeting - 5:00 p.m.

Vice-Chair Shriner called the meeting to order at 5:00 p.m. and informed the audience of the public hearing process.

Administrative

- Ms. Mathews moved to approve the minutes of the January 16, 2014. This motion was seconded by Mr. Koon and carried unanimously by a 4-0 (Mr. Edmonds did not vote since he was not present at the January 16, 2014, meeting).

Agenda Items

- (1) **A request for the review of a Level II site plan for the construction of a 14-story, 179,075 square foot mixed use building that includes a 141 room hotel and 151 associated parking spaces on 0.45 acres at 35 Battery Park Avenue. PINs 9649-30-1522 and 9649-30-0695. The property is owned by FIRC Haywood Park Holdings, LLC and the project contact is Antonio O. Fraga. Planner coordinating review – Alan Glines.**

Urban Planner Alan Glines oriented the Commission to the site location and said that this is the consideration for plan approval for the Cambria Suites Hotel located in the downtown Central Business District.

He said the project site consists of two parcels (.45 acre) with frontage on Battery Park Avenue and primary access along Page Avenue. There is a city-maintained alley at the rear of the property which provides access through this site to neighboring properties. An existing structure will be demolished – a two-story retail building that once housed Kosta's and Subway with a total square footage of 28,000 square feet according to Buncombe County tax records. The structure is not a contributing structure in the downtown national register district. This project site in the center of downtown lies within the intermediate height zone (allowing heights of 145 feet) and is towards the north end of the traditional downtown core.

The proposal is a twelve-story hotel with ground level commercial spaces and the hotel tower located on the north side of the structure. Plans show a building height of 115 feet to the highest occupied floor (and 136 feet to the top of the tallest architectural element) with a gross

floor area of 120,000 heated square feet. Floors two and three will be parking floors within the larger base of the structure, and the basement level will also be used for parking. Total parking will include 151 spaces made up of 147 regular spaces, one van space, and three accessible spaces. As specified in the UDO, the parking levels are not counted in the overall square footage of the building.

The hotel will have 138 hotel room suites, an amenity floor with a restaurant and meeting space (on the fourth level), and about 6,000 square feet of commercial space on the ground level. The outdoor terrace at the fourth level will total over 4,000 square feet.

Primary vehicular and pedestrian access to the site is planned for the main entrance at the western side of the hotel building where there will be a drop-off area for guests under the main structure of the building. The commercial spaces have frontage along Page Avenue and Battery Park Avenue will have separate pedestrian entrances.

Fenestration and primary pedestrian entrance- This proposal complies with the CBD standards, for both ground level and upper floors. Both frontage streets are key pedestrian streets, so the minimum standard is 70% ground level fenestration (windows, doors and other openings) and is provided at 73% along Battery Park Avenue and 80% along Page Avenue. Upper floors must meet a 20% fenestration standard and all facades meet the requirements for openings. The Battery Park and Page Avenue elevations are proposing 42% and 65% respectively.

Base middle cap orientation- The design has a distinct base created by the use of cast limestone material for the first four levels of the building. The middle section will have a change of material by use of a red brick colored stucco. The upper two hotel floors and the roof feature will change color and material again using a silver gray stucco surface to create a contemporary cap for the building. The tower portion was revised following discussion with the design review subcommittee to incorporate a contemporary cap. There is a strong architectural element over the entrance to the hotel that continues up to the top of the building made up of lighter finished metal and metallic-finished stucco on upper floors.

Street Wall Stepback- The project has selected the street wall stepback implementing the side setback option. It incorporates the third and fourth floors as the setback height allowed by the ordinance. The side setback is proposed to be 74 feet measured from Battery Park Avenue which actually exceeds the requirements in the UDO by 100%. At the Downtown Commission meeting, the developer explained that he is proposing this stepback solution because of his interest in preserving the western views for the condominium owners in the neighboring building to the extent that he is able.

Tower Dimensions- The tower above 75 feet is limited in the ordinance and does not exceed the maximum dimension of 145 feet established for the downtown CBD. The tower width is 140 feet for the primary façade along Page Avenue and 71 feet measured from Battery Park Avenue. The tower area is 50% of the lot area, which is an option for projects that can demonstrate that they are surrounded by substantial open space that allows for views and access to direct sunlight. The project appears to meet this standard since the Grove Arcade located directly to the west is height protected and the surrounding area has much shorter buildings including the lower podium height of the amenity level of the hotel on the south end of the project.

Tower Placement- The tower is placed towards the northern side of the parcel in order to minimize the impacts to neighbors at 21 Battery Park Avenue. The tower was shifted from the actual property line on that side in order for upper story windows to be permitted (the NC building code requires a set back from a property line with a neighbor if windows are proposed). The windows are a requirement for the upper stories of buildings in the UDO and the proposed windows comply with the requirement.

Streetscape- The proposed streetscape follows the pattern established in downtown with concrete sidewalks following the running-bond pattern. The sidewalks exceed minimum standards for downtown. Street trees will be placed in tree grates in a regular pattern along both street frontages. At the Technical Review Committee meeting the Fire Department noted a requirement for additional clear space in front of the tower portion along Page Avenue for aerial access needs. The current plans do not reflect this change but three trees will need to be eliminated near the front entrance. This request will formally be considered through the alternative compliance process coordinated by the Tree Commission.

As was already noted, the project will be requesting alternative compliance from the Tree Commission because of a Fire Department requirement for sufficient aerial access. The request was reviewed at the Downtown Commission meeting and with the design review subcommittee and was agreed to in concept. The consideration by the Tree Commission will take place after the review by the Planning and Zoning Commission.

The Downtown Commission discussed the project at length at their meeting on January 10. Their comments centered on the following topics which they asked to be shared with the Planning and Zoning Commission:

- Sidewalk connection and crosswalk to the Grove Arcade is important
- Assuring that a local-made art piece or some other special treatment will be provided for the center space of the parking drop-off area since the plans did not show anything at the time. Since their review, a few items have changed in this area including the fire fighting command room which will now form a 'back drop' for this space between the columns. The architects are working to provide a focal point at this location.
- Some concern about the number and width of the driveway aisles since driveways tend to compromise the pedestrian experience and the UDO trends away from multiple driveways in the CBD. The Traffic Engineer reviewed the plans and did support for the current configuration.
- Appreciation of the effort by FIRC Development to shift the tower portion to the north end of the property to assure some views for neighbors located in 21 Battery Park Condominiums.
- Idea for a garbage compactor and recycling on this site that could be shared by other nearby businesses since there are few locations in downtown well situated for these needed facilities.
- Parking will be available to visitors of the hotel, restaurant and to the retail tenants.
- There was some concern about noise from the amenity floor affecting nearby residents but Mr. Fraga explained that his own hotel guests would also have the same concern.
- Interest in having sufficient signage so that guests do not get lost.
- Some concern about traffic flow along Page Avenue and acknowledgement that this topic is beyond the effects of this particular project.
- Interest in additional windows being provided at the fourth level where the meeting rooms are located to open up the façade for uses that could benefit from natural light.
- Agreement that the building proposed meets the basic development requirements outlined in the UDO.

The Downtown Commission voted to approve the Cambria Suites project unanimously at their meeting on January 10, 2014. Staff also supports the proposal and feels that the project meets the requirements of the UDO and the intent of the Downtown Master Plan. Staff recommends the Commission to approve the Cambria Suites project subject to the conditions in the TRC report; the standard conditions listed in the staff report; and the following standard conditions: (1) This project will undergo final review by the TRC prior to the issuance of any site development permits; (2) All site lighting must comply with the City's Lighting Ordinance; and (3) The building design, construction materials and orientation on site must comply with the

conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards.

When Ms. Carter asked if someone can eventually build a tower on the south part of the building, Mr. Glines replied no, that there cannot be another tower on the property.

In response to Ms. Mathews, Mr. Glines said that City staff does verify the screening of the rooftop mechanicals in that there is a provision in the UDO about screening rooftop equipment or designing it to be integral to the design of the building.

Mr. W. Louis Bissette, attorney representing FIRC Haywood Park Holdings LLC, said that Mr. Fraga is committed to downtown in that he owns other property and businesses downtown. At the very beginning, Mr. Fraga advised his architects to make sure that they comply with all UDO requirements and the Downtown Master Plan. They have done that. He then reviewed with the Commission a summary of the hotel, along with a fly around review of the building. The project has been recommended by City staff, approved by the TRC and the Downtown Commission and he asked for the Commission's support as well. He said this is a great project for downtown and it will bring people into that area to help the merchants.

In response to Ms. Carter, Mr. Fraga said that the new hotel will not be called the Battery Park Hotel, as was listed on the drawings.

Vice-Chair Shriner opened the public hearing at 5:25 p.m.

Mr. Gary Davis, attorney and member of the Board of Directors of 21 Battery Park Avenue, provided the Commission with a letter dated February 5, 2014, regarding his concerns for the project. He explained in detail his opinion that there is a procedural problem and felt that there is language in "the UDO requiring adjacent properties under the same ownership to be considered as one development" and that this project should convert from a Level II review process to a Level III process requiring approval by the City Council. In the letter he provided to the Commission, it also alleged that the project as proposed does not meet the requirements of the UDO in that (1) the tower occupies too much of the parcel area; (2) the project as designed may violate shadow impact limits; and (3) the project as designed is inconsistent of the CBD Development Standards. Said letter provided also alleged that the project as proposed is inconsistent with many of the goals and strategies of the Downtown Master Plan. Said letter concludes that they "respectfully request that the Planning & Zoning Commission determine that the review process for the proposed Cambria Suites Hotel project should be immediately converted to a Level III review process. Second, under either Level III or Level II, we request that the Commission find that the proposed building does not comply with the UDO and Downtown Master Plan and require FIRC to review the project accordingly."

Associate City Attorney Jannice Ashley said that she met earlier today with Mr. Davis and Mr. Glines to discuss his procedural concern. It is her opinion that Mr. Davis has misinterpreted the UDO section. Section 7-5-9.1 has to do with Level III projects and proposed projects that are being brought simultaneously within 500 feet of each other over a period of three years or less is not applicable here. The Commission has seen the location of the proposed project. The fact that the same owner owns an existing project that is not being developed is irrelevant in this case. If this project is approved and the developer proposes another project within 500 feet of this project within three years, that project would need to be reviewed as a Level III project. That is not the case here. It is her opinion that staff has accurately applied the project as a Level II project.

Vice-Chair Shriner closed the public hearing at 5:40 p.m.

In response to Ms. Mathews, Mr. Glines explained how the project meets the UDO regarding the floor plate of the tower.

Finding that the request is reasonable and consistent with the Comprehensive Plan and other adopted plans, and based on information provided in the staff report and as stated in the staff recommendation, Mr. Edmonds moved to recommend approval of the Level II site plan at 35 Battery Park Avenue known as the Cambria Suits project, subject to the conditions listed in the staff report, and the following standard conditions (1) The project shall comply with all conditions outlined in the TRC staff report; (2) All site lighting must comply with the City's Lighting Ordinance; and (3) The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards. This motion was seconded by Mr. Koon and carried unanimously by a 5-0 vote.

- (2) **A request for the review of a major subdivision with a conditional zoning proposing to create 12 lots for single-family residential structures and 2 lots for the preservation of open space on 4.29 acres located at the terminus of Quail Hollow Drive. PINs 9654-42-5913 and 9654-43-4313. The property is owned by Edgar S. Holland and Elizabeth Holland-Gardner and the project contact is William Lapsley. Planner coordinating review – Jessica Bernstein.**

Urban Planner Jessica Bernstein oriented the Commission to the site location and said the applicant is requesting a Conditional Zoning on an area currently split-zoned RS-4 and Institutional to all RS-4 for a proposal to create a major subdivision with the extension of the existing roadway to accommodate twelve single-family home lots.

She said the project site involves 4.29 acres of land at the terminus of Quail Hollow Drive and with frontage on Weston Road. The project area is split-zoned RS-4 and Institutional, with the majority of the property in the RS-4 zone. Surrounding properties are Institutional (INST) to the west, INST and RM-16 to the north, INST and RS-4 to the south and RS-4 to the east.

The applicant is proposing to subdivide 4.29 acres from a 5.34 acre parent parcel(s) to develop a continuation of an adjacent residential development to the north. The proposal shows the creation of 14 separate lots; 12 of which will contain single-family homes and the remaining two (closest to Weston Road) designated for open space. Due to the split-zoning on the property, the applicant requests a conditional zoning to eliminate the Institutional portion, resulting in a single-family development all zoned RS-4. The developers have not indicated any plans for the residual 1.05 acres of the parent parcel(s), located to the south.

Quail Hollow Drive is shown to be extended, terminating in a cul-de-sac to the west and a stub-out turnaround to the southeast. Street lights (5) are shown along the new roadway as well.

Street trees are required along the new road and are shown at a rate of one tree every 40 feet, resulting in 37 trees. Thirty percent of the total acreage is required to be dedicated as tree save area (1.29 acres) and will be planted according to section 7-11-3 of the UDO. Twenty percent of the area (0.86 acres) is designated as open space and is provided in the two lots with frontage along Weston Road.

The request for all RS-4 zoning is appropriate as the bulk of the project area is already under this designation and the density is generally consistent with other zoning in the area. When creating new lots, it is preferable to avoid a development with split-zoning.

The proposal was approved with conditions by the Technical Review Committee on January 6, 2014.

Regarding Unified Development Ordinance (UDO) findings, Section 7-7-8(d)(2) of the UDO states that planning staff shall evaluate conditional zoning applications on the basis of the criteria for conditional use permits set out in Section 7-16-2. Reviewing boards may consider

these criteria; however, they are not bound to act based on whether a request meets all seven standards.

1. *That the proposed use or development of the land will not materially endanger the public health or safety.*

The proposed project has been reviewed by City staff and appears to meet all public health and safety related requirements. The project must meet the technical standards set forth in the *UDO*, the *Standards and Specifications Manual*, the *North Carolina Building Code* and other applicable laws and standards that protect the public health and safety.

2. *That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.*

The site is currently undeveloped (wooded) and has an average natural grade of 12.85%. The proposed use to extend Quail Hollow Drive and create 12 single-family home lots should be compatible with the existing topography of the area. No significant mitigation measures are expected to be needed.

3. *That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.*

As a continuation of the similar residential neighborhoods to the east, the proposed single-family development is not expected to injure the value of adjoining properties.

4. *That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.*

The continuation of Quail Hollow Drive with 12 single-family home lots is compatible with the scale, bulk, coverage, density and character of the area especially to the north, east and south, which is predominantly single-family residential as well. The residential development to the immediate north, although in the RS-4 zone, was developed with larger lots than this proposal. The parcels to the west are mostly undeveloped and zoned Institutional. Any development on this land would be required to provide a buffer against the residential use.

5. *That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.*

The project generally conforms to the comprehensive plan and City Council's strategic plan in that the continuation of the existing single-family development preserves and further strengthens the residential neighborhoods in the immediate vicinity, preserves open areas and provides opportunities for housing.

6. *That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.*

The site is located in an area accessible by vehicle. The nearest transit route is the S3 at Hendersonville and Buck Shoals Road (less than 0.5 miles). Adequate water supply, police protection, waste disposal and similar facilities are verified during the TRC review process.

7. *That the proposed use will not cause undue traffic congestion or create a traffic hazard.*

Based on a review of the plans for this project, the proposed use should not cause undue traffic congestion or create a traffic hazard. Staff is concerned with the proposed stub on the east side of the development. It could very easily be opened with access to Sweeten Creek Road which would provide another access to the property for residents and emergency vehicles.

While many policies in the *City Development Plan 2025* encourage higher density, mixed-use developments, there are also statements about preserving neighborhoods and supporting development that maintains the harmony and character of an area. This proposal is a continuation of the large single-family home presence in the vicinity. The development also provides designated open space, a practice recommended in the *Plan*.

However, one aspect where the proposal is not supported by the *Plan* is in the road design lacking interconnectivity to Weston Road. Policies suggest minimizing dead-ends and cul-de-sac stub-outs.

Two basic concerns from the public included that these ¼ acre lots are smaller than the existing ½ acre lot; and requests for the stub-out to be connected to Weston Road.

Considerations:

- Conditionally zoning the entire property to RS-4 eliminates the split-zoned result of residential lots with an Industrial portion, which can lead to conflicting development standards
- The proposal is a continuation of an existing single-family development and is consistent with the development pattern in the vicinity.
- While not prohibited, stubbed cul-de-sac streets are strongly discouraged on local and residential streets because they are seen to disrupt connectivity, safety and access. There does not seem to be a good reason to stub the street proposed on the east side of the development.

Suggested Conditions:

1. The project shall comply with all conditions outlined in the TRC staff report.
2. This project will undergo final review by the TRC prior to issuance of any required permits.
3. All site lighting must comply with the City's Lighting Ordinance, Section 7-11-10, of the Unified Development Ordinance. A detailed lighting plan illustrating compliance with the ordinance will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee.
4. All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans.

Staff recommends supporting the request to conditionally zone the proposed major subdivision from RS-4 and Industrial to all RS-4, but would prefer to see the stub-out connect to Weston Road. The proposal eliminates a split-zoned situation which would otherwise result in multiple conflicting standards on each single lot.

Staff suggested the Commission approve the Conditional Zoning from RS-4 and Institutional to RS-4/Conditional Zoning and subject to the conditions suggested by staff and find that the request is reasonable and is consistent with the Comprehensive Plan and other adopted plans, based on information provided in the staff report and as stated in the staff recommendation.

In response to Vice-Chair Shriner, Ms. Bernstein said that the split-zoning happened back in 2004 when the City annexed the property.

Ms. Mathews asked if the Commission can mandate that the stub-out, which is very close to Weston Road, be connected to Weston Road. She felt it would help with interconnectivity and also access. Ms. Bernstein said that with conditional zoning, the Commission can only make the request to the developer. In addition, City Council also can only request that connectivity as well. If the developer agrees to the request, then it would become part of their approval.

Mr. Koon said that from a financial standpoint, if the developer were to agree to the connection, then the stub-out would be removed and it would probably even out.

Mr. Bill Lapsley, consulting engineer for the project, said that this is the completion of the original development by the same owner/developer. He said they talked about connecting the stub-out to Weston Road, which technically can be done; however, from a safety standpoint they decided not to connect as there are two curves on Weston Road which creates a blind corner situation.

Mr. Ed Holland, owner, explained that he owned and developed Phase I and now would like to develop Phase II. He also owns the two tracts of land adjacent to Sweeten Creek Road. He gave a brief background of how the property ended up split-zoned. Regarding connecting the stub-out to Weston Road, he felt strongly that it not tie into Weston Road for the following reasons (1) they would be coming onto Weston Road in a blind curve with high speed traffic; (2) there are two public City streets on Weston Road within 200-300 feet from each other; and (3) since all houses in the development are in a cul-de-sac with no through streets, he felt the value of existing homes and those to be built, will have a negative impact and bring in unnecessary traffic.

Mr. Koon noted that there is a cul-de-sac (Glenwood Road) almost directly across the street from where the stub-out might connect on Weston Road. Mr. Lapsley said that they would have to re-design the stub-out to a street in order to line it up with the cul-de-sac across the street. They would need to get a N.C. Dept. of Transportation (DOT) street access permit. Planning & Development Director said that the City's Traffic Engineer, Jeff Moore, can review that prior to the public hearing before Council.

Vice-Chair Shriner opened the public hearing at 6:04 p.m.

Mr. Larry Meadows, Quail Hollow Subdivision resident, supported extending the stub-out to Weston Road. He felt that most traffic would be turning right onto Weston Road in order to get to Sweeten Creek Road and there is a long section of Weston Road that you can see traffic coming down. In addition, the stub-out connection will also allow construction traffic for the new homes to stay off of the existing subdivision's road.

Ms. Susan Gaddis, Quail Hollow Subdivision resident, said that in 1998 when they bought their home, Mr. Holland assured them that the rest of the neighborhood would be comparable to the existing Subdivision, which would be 4 lots with 4 houses, not 4 lots with 12 houses. If the project should continued, she asked that the Phase I neighborhood be separated from the Phase II neighborhood because it will not look the same.

Mr. John Elia, Quail Hollow Subdivision resident, was opposed to the turn-around being connected to Sweeten Creek Road.

Mr. Dave Million, Quail Hollow Subdivision resident, was concerned about the decrease in property values if the owner is allowed to construct 12 homes on 4 lots. He agreed with Ms. Gaddis that it should not be a part of the Quail Hollow Subdivision.

Vice-Chair Shriner closed the public hearing at 6:12 p.m.

In response to Mr. Edmonds, Ms. Bernstein showed the Commission an aerial map which showed the existing Phase I subdivision as it relates to the proposed Phase II subdivision.

Ms. Mathews felt that the connectivity of the stub-out with Weston Road will address other issues as well, e.g., traffic and subdivision identity.

Mr. Koon felt that the possible stub-out connection to Weston Road should be studied by DOT and the City's traffic engineer to see if they concur with the connection. After that study is

concluded then City Council could make that determination on whether to recommend the connection or not.

Ms. Carter noted that the Planning & Zoning Commission is reviewing this action to clear up the split-zoned lots. The developer already has the right to develop his property under the RS-4 zoning. She was also in favor of opening up the stub-out to connect to Weston Road.

In response to Ms. Mathews, Mr. Lapsley said that from an engineering point of view, they could align the stub-out road to the cul-de-sac on the other side. It would be an impact, but not in a significant way. He agreed that he would need to get DOT approval for the street cut permit.

When Mr. Edmonds asked how many homes were in the cul-de-sac on the other side of Weston Road, Mr. Lapsley replied there are six.

Vice-Chair Shriner also supported the connectivity to Weston Road. She suggested we recommend that DOT study the situation and if it is found to be safe, to recommend the connectivity to City Council. Ms. Daniel said that they will also ask City Traffic Engineer Jeff Moore to be included in those discussions and report to Council the outcome of those discussions.

Finding that the request is reasonable and consistent with the Comprehensive Plan and other adopted plans, and based on information provided in the staff report and as stated in the staff recommendation, Ms. Carter moved to recommend approval to conditionally zone property located at Quail Hollow Drive and Weston Road from RS-4 Residential Single-Family Medium Density District and Industrial District to RS-4 Residential Single-Family Medium Density District/Conditional Zoning, subject to the conditions recommended by staff and subject to the following conditions: (1) that the owner engage with the City's Traffic Engineer and DOT to determine the safety of opening the stub-out up to Weston Road and that they strive for alignment with Glenwood Road (cul-de-sac on the other side of Weston Road); (2) The project shall comply with all conditions outlined in the TRC staff report; (3) All site lighting must comply with the City's Lighting Ordinance and be equipped with cut-off fixtures or full cut-off fixtures and directed away from adjoining properties and streets. A detailed lighting plan will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee; (4) All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans; (5) The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards; and (6) This project will undergo final review by the TRC prior to issuance of any required permits. This motion was seconded by Vice-Chair Shriner.

When Ms. Mathews suggested the condition in the motion be expanded to include that if DOT and the City's Traffic Engineer feel that a connection to Weston Road is safe, then the developer be asked to make that connection.

Ms. Ashley said that the Commission can only recommend a condition to City Council, who will also have the Planning & Zoning Commission minutes to review. The Commission always has the ability to continue this discussion until they receive the information regarding the safety of connecting the stub-out to Weston Road.

Mr. Lapsley recommended the motion be made to approve, subject to a DOT determination of the safety of connecting the stub-out to Weston Road. If DOT approves the connection, Mr. Lapsley said they would make that connection. If DOT does not approve the connection, then that would be reported to City Council. Ms. Ashley noted that if DOT approves the connection, it is an agreed-upon condition.

Ms. Carter withdrew her motion.

Finding that the request is reasonable and consistent with the Comprehensive Plan and other adopted plans, and based on information provided in the staff report and as stated in the staff recommendation, Ms. Carter moved to recommend approval to conditionally zone property located at Quail Hollow Drive and Weston Road from RS-4 Residential Single-Family Medium Density District and Industrial District to RS-4 Residential Single-Family Medium Density District/Conditional Zoning, subject to the conditions recommended by staff and subject to the following conditions: (1) The agreed-upon condition that the developer will seek the opinion of DOT to see if it is safe to extend the stub-out to Weston Road and if it is determined to be safe by DOT, then the developer has agreed that the connection will be made; and if DOT determines it not to be safe to connect, that the developer will not be required to make that connection; (2) The project shall comply with all conditions outlined in the TRC staff report; (3) All site lighting must comply with the City's Lighting Ordinance and be equipped with cut-off fixtures or full cut-off fixtures and directed away from adjoining properties and streets. A detailed lighting plan will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee; (4) All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans; (5) The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards; and (6) This project will undergo final review by the TRC prior to issuance of any required permits. This motion was seconded by Ms. Mathews and carried unanimously on a 5-0 vote.

(3) Request to rezone a portion of a property at 101 Bruce Road from Institutional District to Commercial Industrial District. The owner is Tom Bruce, Jr. and Brenda Bruce. The property is identified as a portion of PIN 9617-86-1979. Planner coordinating review – Blake Esselstyn

Urban Planner Blake Esselstyn oriented the Commission to the site location and said the applicant is requesting a rezoning for a portion of property off Sand Hill School Road from Institutional District to Commercial Industrial District.

Mr. Esselstyn said that the subject property has an area of approximately 5.9 acres, but the zoning change would only affect about 0.4 acres along the southern boundary (roughly 7% of the lot). The majority of the lot is currently occupied with a tractor and equipment sales/rental/service business, but the portion subject to the rezoning is vacant, with a row of evergreen trees paralleling Sand Hill School Road. The area proposed to be rezoned is a rectangular strip about fifty feet deep, and the land slopes downward away from the road. There are distant mountain views from this point on the property. The lot also has frontage on Highland Center Boulevard and Bruce Road, but these streets are not expected to be significantly affected by the rezoning.

The applicant has requested a standard rezoning from INST (Institutional) district to CI (Commercial Industrial) district, which currently is the zoning for 93% of the parcel, in order to lessen the complexity of having different standards applied to different parts of the lot.

Because the area subject to a change in zoning is a shallow strip seven times as wide as it is deep, analysis of the surrounding properties is different than it would be for more typical rezonings. A good way to consider the proposed change is simply shifting the boundary between INST and CI zoning south 50 feet.

The uses to the east and west (a single family home zoned RM16 and church zoned INST, respectively) already are adjacent to the CI zoning; the proposal would merely widen the juncture of the districts by 50 feet. To the north, the applicant's property is already zoned CI – designating the entire property with a consistent zoning district would be a benefit.

The Sand Hill-Venable elementary school across the street to the south (zoned INST) would go from having INST zoning across the street, albeit shallow, to CI zoning across the street. This interface ostensibly represents the most significant potential change, but, as will be discussed below, actual impact is less than what might be perceived at first consideration.

The existing zoning appears to date back to the adoption of the UDO in 1997 – before that, there was not a split-zoned situation. For some years, the character of the stretch of Sand Hill School Road between the bridge over Smokey Park Highway and Sand Hill School Road has been almost entirely residential and institutional: a mix of homes and church and school uses.

Staff's supposition is that the strip of INST zoning currently in effect was put in place to preserve uniformly residential and institutional zoning along the corridor. Such splitting of properties has largely come to be considered a zoning practice to be avoided. Other than imposing a lower limit on sign size, and pushing certain developments slightly farther back from the street, the zoning has little practical effect on the development of high-impact uses on the bulk of the lot.

Further, the City's Institutional zoning district allows a variety of non-institutional uses, such as lodging facilities, microbreweries, banks, pharmacies, and health and fitness facilities. As an example, even under the current zoning, a large hotel could theoretically be built within 15 feet of the Sand Hill School Road property line. Interestingly, the parcel's current dominant land use (large equipment sales/service) is not a permitted use in Institutional zoning. The proposed zoning would allow that use, and other uses such as a nightclub, car wash, flea market, or kennel (already allowed on the northern 93% of the lot) to be built slightly closer to the road.

While one might expect that "up-zoning" the stretch along Sand Hill School Road (a state-maintained road) would increase the chances for a driveway using that frontage, both NCDOT and City traffic engineers generally direct developers to place such ingress/egress on the side street (in this case, Highland Center Blvd). Additionally, if a new high traffic use on the lot were expected to substantially increase traffic at that intersection, staff would work with NCDOT and the developer to install appropriate traffic signals – at the developers' expense. Staff contacted the Principal of the Sand Hill-Venable Elementary School by phone and discussed the proposed zoning change. As of this writing, staff has received no indication of opposition, neither from school administrators nor other citizens.

The Asheville City Development Plan 2025 encourages compatible "adaptive reuse, redevelopment and infill development" and states, "areas within the existing urban fabric that are vacant should be targeted for compatible infill development that takes advantage of existing infrastructure". Staff feels the proposed zoning amendment would promote such development (to a small degree, admittedly) and preserve compatibility.

Based on the above findings and the analysis provided in the report, staff finds this request to be reasonable.

Considerations:

- Rezoning would resolve a split-zoned situation.
- Would facilitate compliance with UDO for property owner, reducing needless obstacles to development without additional risk of detriment to neighborhood.
- Could allow for larger signage on Sand Hill School Road.

The current situation complicates appraisal of the property, imposes inconsistent setbacks and other standards, and generally muddles the status of the land, contrary to recommended zoning practice. Any perceived benefits of the current zoning status, on the other hand, are almost entirely illusory and based on zoning practices no longer followed. Staff feels

the proposed rezoning will yield an improvement over the existing arrangement, and strongly recommends approval.

Vice-Chair Shriner opened the public hearing at 6:34 p.m. and when no one spoke, she closed the public hearing at 6:34 p.m.

Mr. Koon recalled that several years ago the strip of Institutional zoning was put in place to preserve uniformly residential and institutional zoning along the corridor.

Finding that the request is reasonable and consistent with the Comprehensive Plan and other adopted plans, and based on information provided in the staff report and as stated in the staff recommendation, Mr. Koon moved to recommend approval of rezoning a portion of property at 101 Bruce Road from Institutional District to Commercial Industrial District. This motion was seconded by Vice-Chair Shriner and carried unanimously by a 5-0 vote.

(4) Haywood Road Vision Plan – Consideration for Recommendation to City Council. Planner coordinating review – Alan Glines.

Urban Planner Alan Glines said that this is the consideration of a recommendation of adoption of the Haywood Road Vision Plan. He said he reviewed this with the Commission in detail at their January 16, 2014, meeting and briefly summarized the following staff report:

"The Haywood Road Vision Plan has been developed through an initiative by the West Asheville Business Association and interested local residents to improve the corridor and identify revitalization strategies. The first meeting was held in 2002. Since the effort was organized by WABA, the initial efforts focused on encouraging new businesses, special events and beautification efforts. In 2003, staff from the former *City Development* office (a sub-unit of the Planning and Development Department) began to coordinate meetings and focus on major challenges and areas of potential for the corridor. Over time components that defined the future vision became the focus of the plan committee as the existing zoning, current infrastructure trends and a lack of a community future vision were seen as current challenges and future opportunities.

"Over the number of years the progress was made on the plan but then would need to be postponed due to other department priorities or staff obligations. Major milestones in the creation of the plan are as follows:

- 2005 Focus areas of the plan were identified by the committee members
- 2006 Preference survey created and sent to adjacent property owners with 450 responses
- 2007 Large community meeting held to illustrate priorities of the survey and the focus areas for developing the plan and identifying strategies to implement
- 2009 Creation of the Downtown Master Plan requires meetings for Haywood Road to address changes to Central Business District (CBD) zoned properties
- 2010 UDO changes adopted to modify the downtown and the west Asheville CBD areas which reignites interest to complete the study for the remainder of the corridor
- 2011 Priorities are reviewed again and a second preference survey sent out to adjacent property owners to consider any changes in community priorities with 600 responses;
- 2012 Large community meeting held to correlate findings with the draft Vision Plan priorities and to finalize community strategies.
- 2013 City Council community meeting was conducted in West Asheville: points of the Vision Plan presented again and form based code process for Haywood Road introduced to the community; in September the planning charette for Haywood Road Form Code

project with Code Studio team was held to address land use, potential growth and roadway issues

"The final version of the plan developed through the wide range of community outreach identified six community priorities: Transportation and Streetscape Issues; Historic Preservation; Zoning and Land Use Issues; Economic Development; Safety; and Neighborhood Issues.

"Transportation & Streetscape issue highlights include (1) Complete Streets and Streetscape Improvements; (2) transit improvements and a reduction of driveway curb cuts from 36%; and (3) increases use by pedestrians and bikes.

"Historic Preservation issues highlights include (1) there are two historic districts in west Asheville; and (2) a form based code can help with historic preservation.

"Land Use and Economic issues highlights include (1) consolidate zoning districts through form based code project; (2) community supports new mixed-use development (3) and creation of pedestrian districts with local character and new green space; (4) support for new and expansion of local businesses; (5) maintain variety of businesses and fill in with daily and weekly needs within the corridor; (6) streetscapes affect economic vitality; and (7) parking is a growing challenge.

"Safety and Neighborhood issues highlights include (1) drive curb-cuts on corridor are a safety issue - 36% of the length of the roadway; (2) crosswalks and sidewalks with pedestrian signals needed - also I-240; (3) more pedestrians on the street make the entire community safer; and *4) facility social media and other out of the box ways to communicate with the community.

"Each one of these priorities was identified with a list of needs or opportunities for improvement along the corridor. The items identified will be the focus of the City where appropriate and for others may be community driven efforts.

"Two areas of the plan, Zoning and Land use and Transportation and Streetscape are being addressed through the Form Based Code process that is underway and will be finalized with the adoption of a new zoning code for sections of the corridor. These topical areas are getting a fine level of planning through this process.

"Community plans are generally reviewed by the Planning and Zoning Commission and then are accepted in some form by City Council.

"The Comprehensive Plan encourages denser sustainable infill development along existing corridors in the city. The Haywood Road Vision Plan is a corridor based study looking at future development that provides direction for the community's growth and redevelopment. The Comprehensive Plan encourages neighborhood plans developed through community input and feedback.

"The Haywood Road Vision Plan fits within City Council's goal for Economic Growth and Financial Stability because the plan seeks to leverage investment in community infrastructure and create strong mixed-use neighborhoods. The plan relied on community input to develop goals for the corridor."

Staff recommends the adoption of the Haywood Road Vision Plan because it provides direction for the community's future and was developed with community input.

Vice-Chair Shriner opened the public hearing at 6:28 p.m.

Ms. Alice Oglesby said that this reflect what the community is interested in and interested in preserving and outlining how west Asheville will develop. She urged the Commission to support the Vision Plan.

Vice-Chair Shriner closed the public hearing at 6:41 p.m.

Finding that the request is reasonable and consistent with the Comprehensive Plan and other adopted plans, and based on information provided in the staff report and as stated in the staff recommendation, Ms. Carter moved to recommend approval of the Haywood Road Vision Plan. This motion was seconded by Ms. Mathews and carried unanimously by a 5-0 vote.

(5) Discussion of increasing residential density in commercial districts – Judy Daniel

Planning & Development Director Judy Daniel discussed with the Commission increasing residential density in commercial districts.

As a part of staff ongoing evaluation of the UDO and it relationship to the UDO, the 2025 Comprehensive Plan, and Council priorities; the issue of residential density in commercial zoning districts began to rise to the top in terms of it's disconnect between policy and regulations. Most of the commercial zoning districts allow some level of residential density, yet in most of these districts that density would result in less intensity of use than the commercial uses allowed. Additionally, developers may be unaware of this residential potential. At the same time, the Commercial Industrial district has come under scrutiny because of increasing Council concern about the loss of industrially zoned land. So we decided to evaluate whether residential development should be encouraged in this district. After this evaluation staff has concluded that changes to the residential density are warranted and showed the Commission the proposed the changes on a spreadsheet. Following your evaluation and comment, staff will propose a zoning text amendment for these changes.

The changes noted propose additional residential density potential in the Office, Office II, Office Business, CB I, CB II, Institutional, River, Highway Business, and Regional Business districts; and a reduction in residential density potential in the Commercial Industrial district. No changes are proposed to the Neighborhood Business, Neighborhood Corridor, Urban Village, Urban Place, CBD, and Resort districts as they either have appropriate density or are comprised of too few properties to make the option realistically viable. And no changes are proposed for the Industrial and Light Industrial districts. These proposals also include a concept of allowing a higher base density, with additional density allowed if a percentage of affordable housing is provided. We have not worked out a percentage of affordable housing pending the Commission's thoughts on the concept.

In determining a recommendation for added residential potential the staff evaluated the number of properties and acres mapped in each district and considered the development potential in each for commercial property. Our intent was to propose added density in the selected districts that approximated the potential intensity for commercial development in these zoning districts. The recommended districts are thus roughly equivalent in intensity to what is already allowed (taking into account setbacks, height, parking, buffers, etc.). There are too many variable factors for this to be exact, but the exercise led to a rough approximation of this potential that allows us to propose generally viable densities.

A limiting factor in development would be the type of development proposed. Densities in the Highway Business and Regional Business are already approximately at capacity unless structured parking is used. Development at a suburban scale with surface parking does not lend itself to graceful higher densities. The task would be to work with developers in these districts, which have so much redevelopment potential, to consider more urban development patterns that incorporate mixed use and higher densities, and requiring structured parking.

The primary intent of these changes is to provide an incentive for developers to consider using housing as part of a mixed-use development, or as the primary use on currently underutilized commercial property. It is a direct incentive, in that no benefits like green development or affordable housing are required. Those incentives have not been used and at this time, staff believes that Council is interested in options that will more directly incent multi-family housing in areas that are not as likely to face neighborhood opposition. We believe that tying the allowed density to already allowed commercial potential, is the best means to reassure adjoining residential property owners.

We are proposing a substantial reduction in the residential potential for the Commercial Industrial district. The loss of potential industrial land has become a topic of concern for the Council, and they have conveyed the need for staff to plan for an evaluation of these properties in the context of a reconsideration of the comprehensive plan. This district is of particular concern as it is extensively used (currently a bit over 1,800 acres – the second largest in the city), and includes properties that may be important to preserve for industrial or commercial purposes. Since that evaluation is pending, staff proposes that the residential density potential be reduced to the 2 units per acre allowed for the other industrial districts. Although this does result in some loss of development potential, it is our understanding that property owners in this district are more often concerned with preserving the commercial potential for these properties than the residential potential.

There was discussion regarding Ms. Daniel's presentation, with some questions/ comments being, but are not limited to: has staff tested this with developers who actually own property in these districts, or has staff chosen to develop there in a more conventional single use, often single-story buildings; is there any interest by the City to create more public/private partnerships where you incentivize development with special tax districts or other financing strategies to develop structured parking along important development corridors; if you increase residential areas then people who want to develop industrial areas might not want those uses in their neighborhood; but how do we balance service with maintaining pedestrian traffic; suggestion to also obtain input from the American Institute of Architects, the Asheville Area Riverfront Redevelopment Commission, the Affordable Housing Advisory Commission and the development community, in addition to the Council of Independent Business Owners, Coalition of Asheville Neighborhoods; is there any means of testing as to why the Commercial Industrial properties are not being developed; and potentially how do these changes affect the development patterns at the hot-spots the Commission has identified as well as along major Transit Corridors which have been recognized as being good locations of increased residential development.

Ms. Daniel said that staff anticipates finalizing our research and incorporating the Commission's thoughts and presenting a UDO amendment for the Commission's consideration in April.

Other Business

Vice-Chair Shriner announced (1) the next formal meeting on March 5, 2014, at 5:00 p.m. in the First Floor Conference Room in the City Hall Building; and (2) a mid-month meeting on March 20, 2014, at 4:00 p.m. in the First Floor North Conference Room.

Adjournment

At 7:10 p.m., Mr. Koon moved to adjourn the meeting. This motion was seconded by Ms. Mathews and carried unanimously on a 5-0 vote.